

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

LESLIE COUNTY TELEPHONE COMPANY)
PETITION FOR COMMISSION REVIEW OF) CASE NO.
REVERSAL OF A DECISION OF THE NORTH) 2012-00466
AMERICAN NUMBER POOLING ADMINISTRATOR)

ORDER

On October 12, 2012, Leslie County Telephone Company (“LCTC”) filed a petition requesting this Commission review and overturn a determination by the North American Numbering Plan Administration (“NANPA”).¹ The petition was filed pursuant to 47 C.F.R. Section 52.15(g)(4), wherein the Commission is granted the authority to “overturn the NANPA’s decision to withhold numbering resources from the carrier based on its determination that the carrier has demonstrated a verifiable need for numbering resources and has exhausted all other available remedies.”

In its petition, LCTC explains that its request was for a single 1,000-number block of numbers for a location routing number (“LRN”) for a new Metaswitch to serve customers in LCTC’s Hyden rate center. A unique LRN is needed in order to identify the new switch in the number portability capable network. According to LCTC, the Metaswitch will provide customers with new and advanced services and handle internal

¹ NANPA is an independent, non-governmental entity selected by the Federal Communications Commission (“FCC”) and is responsible for administering and managing the North American Numbering Plan. Neustar, Inc. is currently contracted by the FCC as the NANPA and Pooling Administrator.

long distance traffic which the current switch cannot provide or perform. In order to identify the recipient switch, LCTC must establish a unique LRN. While its request is for assignment of an entire central office code (“NXX”), LCTC notes that it intends to retain only the one 1,000-number block (606-NXX-1000 through 606-NXX-1999) from the new NXX code.²

LCTC indicates that in order for the Metaswitch to be functional, it must host 1,000 numbers. However, LCTC claims it cannot satisfy the need for numbering resources from its available inventory and has exhausted all other available remedies. Hence, on September 18, 2012, LCTC filed an application with NANPA for the assignment of an NXX in the Hyden rate center.³

LCTC points out that it seeks only a single 1,000-number block and that the remaining nine 1,000-number blocks in that NXX will be available to other carriers for assignment. More specifically, LCTC intends to retain the 1,000-number block of the assigned NXX (606-NXX-1XXX).

The application process with NANPA requires the submission of information used for a Months-To-Exhaust (“MTE”) and Utilization Certification Worksheet (“Worksheet”) pertaining to the affected rate center.⁴ Based on the submitted information and resulting calculations, NANPA concluded that LCTC did not meet the FCC’s MTE requirements of six months or less, nor did it meet the utilization threshold requirement

² See LCTC’s petition for review.

³ Specifically, the code block request submitted by LCTC was for its Hyden switch, but current FCC rules require the evaluation of number utilization for the entire rate center before assignment of new numbering resources.

⁴ In accordance with 47 C.F.R. Section 52.15(g)(3), the MTE and utilization level are calculated by the Worksheet based on various inputs supplied by the applying carrier.

of 75 percent.⁵ Therefore, NANPA determined that LCTC's requests for additional numbering resources should be denied.

NANPA is not a policy-making entity. In making assignment decisions, it follows regulatory directives and industry-developed guidelines. NANPA's responsibilities are defined in FCC rules and in comprehensive technical requirements drafted by the telecommunications industry and approved by the FCC.⁶

Pursuant to 47 C.F.R. Section 52.15(g)(4), this Commission may overturn the NANPA's determination if the requesting carrier has demonstrated a verifiable need for numbering resources and has shown that all other available remedies have been exhausted. The Commission finds that LCTC has demonstrated a verifiable need for additional numbering resources by presenting its request for a single 1,000-number block of numbers needed to establish a unique LRN to identify a new Metaswitch being deployed in the Hyden rate center. LCTC advises that it will be unable to provide reliable and adequate service to telecommunications users in this area without additional numbering resources in the affected rate center. Due to NANPA's denial of numbering resources, LCTC has been unable to obtain the requested LRN for its new Metaswitch and cannot port numbers to or provide new services using the Metaswitch. The Commission further finds that LCTC has exhausted all available remedies in the affected rate center to the extent that no combination of existing numbering resources in this rate center can be employed to meet their need for a single 1,000-number block.

⁵ According to the Worksheet, the MTE for the Hyden rate center was calculated to be 92.987 months with a utilization rate of 30.26 percent.

⁶ See generally, 47 C.F.R. Section 52.

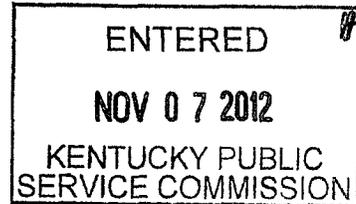
This Commission finds that the NANPA determination to deny LCTC the additional numbering resources described herein should be overturned and NANPA directed to assign to LCTC an available NXX code in the Hyden rate center. The Commission notes that the numbering resources considered in this Order are to be assigned for the sole use of serving LCTC's need for an LRN needed for deployment of a new Metaswitch. The Commission also notes that LCTC intends to utilize only one 1,000-number block from the assigned NXX, and the remaining nine 1,000-number blocks will be placed back into the pool of available numbers. If the numbering resources requested by LCTC are not needed to meet its service requirements, the associated numbering resources approved in this Order should be returned to NANPA and may not be utilized to serve other customers without first meeting NANPA's numbering resource guidelines.

IT IS THEREFORE ORDERED that:

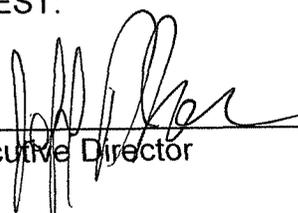
1. LCTC's Petition regarding NANPA's denial of its application for assignment of additional numbering resources is granted.
2. The decision of NANPA denying LCTC's request for assignment of an NXX in the Hyden rate center is hereby overturned.
3. NANPA shall assign LCTC an available NXX in the Hyden rate center (606-NXX).
4. The numbering resources considered in this Order are to be assigned for the sole use of serving LCTC's need for an LRN for deployment of a new Metaswitch in the Hyden rate center. LCTC shall retain only a single 1,000-number block of numbers from the new NXX. The remaining nine 1,000-number blocks, not utilized by LCTC for

LRN purposes, shall be returned to the pool of available numbers. If the numbering resources requested by LCTC are not needed to meet its service requirements, the associated numbering resources approved in this Order shall be returned to NANPA.

By the Commission



ATTEST:



Executive Director

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